

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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ORDER DENYING URGENT SECOND MOTION REQUESTING DECLARATORY RELIEF

The Court has received and reviewed the *Urgent Second Motion Requesting Declaratory Relief* (Docket Entry No. 4776, the “Motion”), filed by Angel Ruiz Rivera (“Movant”). The Motion requests a declaratory judgment that “all the debt incurred into by the officers of the Government of P.R., above the limits prescribed in the 1961 amendment to the Constitution of P.R., as pre-approved, pre-authorized and pre-legislated by the U.S. Congress is null and void ab initio”

The Court has reviewed the Motion and, mindful that it was filed pro se, affords it a liberal interpretation. However, the Motion is denied for the reasons provided herein.

First, Movant has not demonstrated standing to seek the relief sought in the Motion. Section 1109(b) of the Bankruptcy Code, made applicable to the above-captioned Title III cases (the “Title III Cases”) by Section 301(a) of PROMESA, 48 U.S.C. § 2161(a), provides that “[a] party in interest, including the debtor, the trustee, a creditors’ committee, an equity security holders’ committee, a creditor, an equity security holder, or any indenture trustee, may raise and may appear and be heard on any issue in a case under this chapter.” 11 U.S.C.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

§ 1109(b). “Therefore, a person or entity that does not have a legal or financial stake in the case is generally excluded from the definition of ‘party in interest.’” In re Horned Dorset Primavera, Inc., No. 15-03837 (ESL), 2018 WL 3629952, at *7 (Bankr. D.P.R. July 27, 2018). Here, Movant has not pleaded facts regarding a legal or financial stake in the Title III Cases that would demonstrate that he is a “party in interest” within the meaning of section 1109(b).

Second, to the extent that the Motion may be construed as a motion to intervene, it is denied because Movant has not identified any pending contested matter or adversary proceeding in the Title III Cases in which he seeks to intervene nor alleged that he has any interest that may be affected by the disposition of any matter in these Title III Cases. The Court has previously advised Movant that a request for intervention that neglects to identify a pending proceeding in which he seeks to intervene fails to state a claim upon which relief may be granted. (*Order Denying (I) Motion to Proceed in Forma Pauperis; (II) Motion to Intervene and Requesting Declaratory Judgment ; and (III) Motion for Disqualification of Various Members of the Financial Oversight and Management Board*, June 16, 2017, Docket Entry No. 354.)

This Order resolves Docket Entry No. 4776.

SO ORDERED.

Dated: February 6, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge